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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/655,969

09/04/2003

Jay S. Walker

02-058

8907

22927

7590

02/05/2007

WALKER DIGITAL  
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EXAMINER

SAGER, MARK ALAN

ART UNIT

PAPER NUMBER

3714

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
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3 MONTHS

02/05/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

**Office Action Summary**

Application No.

10/655,969

Applicant(s)

WALKER ET AL.

Examiner

M. A. Sager

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 04 September 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 9/4/03.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_.

***Claim Objections***

1. Claim 5 and 7 are objected to because of the following informalities: spelling of 'n' rather than --in-- (claim 5, line 1) and spelling of 'form' rather than --from--. Appropriate correction is required.

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Marnell (5259613). Marnell discloses a process comprising determining that a player at a gaming device would like to communicate with another (abstract, 2:32-3:41, figs. 1-6), determining an individual who will communicate with the player (abstract, 2:32-3:41, figs 1-6) and enabling communication between the player and individual (abstract, 2:32-3:41, figs 1-6).
3. Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Finnigan. Finnigan discloses a process comprising determining that a player at a gaming device would like to communicate with another, determining an individual who will communicate with the player and enabling communication between the player and individual whereby a player uses a cellular phone to call another such as by dialing their phone number and they communicate over carrier.
4. Regarding scope of claim 1, with broadest reasonable interpretation, and is provided only to demonstrate breadth thereof, claim 1 appears to include a player at a gaming machine conversing with another individual such that determining that a player at a gaming device would

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like to communicate with another is a player at a gaming device starting conversation with another individual nearby by stating a comment or question (which includes via sign language), determining an individual who will communicate with the player such as the individual responding to the player comment or question and enabling communication between the player and individual is player and individual using language or hand signals (for deaf) to converse.

5. Claims 1-6 and 8-9 are rejected under 35 U.S.C. 102(b) as being anticipated by Wynn (5971271). Wynn discloses a process (abstract, 2:10-3:32, figs. 1A-20A) comprising determining that a player at a gaming device would like to communicate with another (ref 16, 44), determining an individual who will communicate with the player (ref 16, 44) and enabling communication between the player and individual (abstract, 2:10-3:32), monitoring gaming activities of a player at a gaming device (abstract, 2:10-3:32, 4:20-5:39, 7:55-59), determining, based on the gaming activities, whether to initiate communication between the player and an individual (5:21-27); enabling communication between the player and the individual (ref 16, 44), determining a prompt based on the gaming activities (2:10-3:32, 5:21-27, 7:55-59, 11:1-47), outputting the prompt to the individual which the prompt comprises an offer for at least one of a product or service (2:10-3:32, 5:21-27, 6:11-19, 7:55-59), enabling the individual to provide a service to the player (5:21-27, 6:11-19, 7:55-59), an apparatus ((abstract, 2:10-3:32, figs. 1A-20A), comprising a processor, and a memory in communication with the processor, in which the memory stores a program that is operable to direct the processor to perform the method or a computer readable medium, which stores a program that is operable to direct a processor to perform the method (sic).

***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

8. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Wynn in view of Walker (6068552) or over Wynn in view of Walker and either Pease (5326104) or Marks (5755621). Wynn discloses claimed steps of method (*supra*) including player requesting assistance but lacks altering the state of the gaming device based on an input received [from] the individual. Walker discloses gaming device and method teaching altering the state of the gaming device based on an input received by the gaming device such as a player requesting redemption or converting loyalty points for improved odds (10:43-51). Although Walker discusses the process as being a transaction done by gaming machine based on player input, it is known for gaming machines to include call or assistance request button (i.e. help request) so as to permit a player to request assistance from casino personnel regarding gaming machine operation which includes requesting assistance on how to play or use a gaming device or functions thereof.

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Wynn includes call request feature to request help from casino personnel including a call request for help with gaming operation/function. Thus, it would have been obvious to an artisan at a time prior to the invention to add altering the state of the gaming device based on an input received from the individual as taught by Walker to Wynn in order to permit assistance regarding exchanging comp points for improved odds. Alternatively, where Wynn does not specifically state as including a help request with respect to gaming functions, Pease (7:19-34, 8:23, 15:50-53, ref. 28) or Marks (12:55-64) each disclose a call or help request button on a gaming machine to request assistance regarding gaming machine operation or function so as to communicate with casino representative, attendant or supervisor to alter gaming function or operation (i.e. stuck coin, hand pay, purchase coin/tokens so player does not need to leave machine, etc.). Thus, it would have been obvious to an artisan at a time prior to the invention to add altering the state of the gaming device based on an input received from the individual as taught/suggested by Walker and either Marks or Pease to Wynn in order to permit assistance regarding gaming function or operation including exchanging comp points for improved odds.

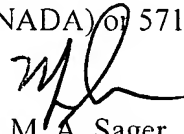
### *Conclusion*

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to M. A. Sager whose telephone number is 571-272-4454. The examiner can normally be reached on T-F, 0700-1730 hours.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Olszewski can be reached on 571-272-6788. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



M. A. Sager  
Primary Examiner  
Art Unit 3712

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